



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/206,097	07/18/2001	GERALD J. HANAM	P3557	5046

7590 11/20/2003

ROBERT M. ASHER
BROMBERG & SUNSTEIN L.L.P.
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
----------	--------------

2661

9

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/206,097

Applicant(s)

HANAM, GERALD J.

Examiner

Ricardo M. Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,13,14,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 3-12,15-24 and 27-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/18/ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: In page 13 line 5 of the specification information is apparently missing.

Appropriate correction is required.

Claim Objections

2. Claims 1-12, 16-17, 18, 19, 21, 28-29, 30-31, 33 are objected to because of the following informalities:

3. In claim 1 line 8, claim 2 line 3 insert "the" before -address-

In claim 2 line 3 insert "the" before -response-.

Claim 4 line 4, claim 6 line 3, claim 9, claim 16 line 4, claim 18 line 2, claim 21 line 2, claim 28 line 3 and line 4, claim 30 line 3, insert "the selected at least one" before -minimum-.

Claim 7 line 4 claim 19 line 3, claim 31 line 4 insert "at least one" before -incremental-.

Claim 16 line 2 insert " at least one" before -minimum-

Claim 33 insert "selected" before -minimum-

Claims 3, 5, 8, 10-12, 17, 29 are objected to due to their dependency.

Appropriate correction is required.

Art Unit: 2661

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2, 13-14 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Compliment.

US patent No. 6,360, 260 (Compliment et al) discloses Discovery features for SNMP managed devices comprising an occupied address discovery system (True/false state connection col 7 lines 14-21) for use in connection with a computer comprising an address inquiry message packet generator configured to enable the computer to transmit address inquiry message packets over a network in one or more iterations, each message including a network address (means to generate Ping frames by managed device, each frame containing an address col 3 lines 30-40), the generator being configured to enable the computer to transmit address inquiry message packets for a selected number of network addresses during each iteration (each device sends ping frames to a default

Art Unit: 2661

router, col 3 lines 31-32) , an iteration control module to control the timing of successive iterations of transmission of address inquiry message packets by the computer in relation to reception by the computer of response message packets responding to the address inquiry message packets (element including watch dog timer, col 8 lines 4-11), as in claim 1; the iteration control module is configured to control the timing of each successive iteration in relation to reception by the computer of response messages responding to address inquiry message packets transmitted during each respective iteration (adaptive timing upon receipt of message, col 3 lines 4-11) , as in claim 2.

A method of enabling a computer to transmit address inquiry message packets over a network in one or more iterations, each address inquiry message packet including a network address in each iteration the computer being enabled to transmit address inquiry message packets(means to generate Ping frames by managed device, each frame containing an address col 3 lines 30-40) for a selected number of network addresses (each device sends ping frames to a default router, col 3 lines 31-32) during each iteration ,and controlling the timing of successive iteration of transmission of address inquiry message packets by the computer in relation to reception by the computer of response message packets responding to the address inquiry message packets (control performed by element including watch dog timer, col 8 lines 4-11), as in claim 13; the iteration control step controlling the timing of each successive iteration in relation to reception by the computer of response messages responding to address inquiry message packets transmitted during each respective iteration (adaptive timing upon receipt of message, col 3 lines 4-11), as in claim 14.

Art Unit: 2661

An occupied address discover computer program product (True/false state connection col 7 lines 14-21) for use in connection with a computer comprising a computer readable medium having encoded therein an address inquiry message packet generator module generator configured to enable the computer (means to generate Ping frames by managed device, each frame containing an address col 3 lines 30-40),to transmit address inquiry message packets over a network in one or more iterations, each message including a network address, the generator being configured to enable the computer to transmit address inquiry message packets for a selected number of network addresses (each device sends ping frames to a default router, col 3 lines 31-32) during each iteration, an iteration control module to control the timing of successive iterations of transmission of address inquiry message packets by the computer in relation to reception by the computer of response message packets responding to the address inquiry message packets (element including watch dog timer, col 8 lines 4-11), as in claim 25; the iteration control module is configured to control the timing of each successive iteration in relation to reception by the computer of response messages responding to address inquiry message packets transmitted during each respective iteration (adaptive timing upon receipt of message, col 3 lines 4-11), as in claim 26.

Allowable Subject Matter

6. Claims 3-12, 15-24, 27-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Please also notice objection to claims 3-12, 16-17, 18, 19, 21, 28-29, 30-31, 33 under 37 USC 1.75

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent No. 6,249,814 discloses a Method and apparatus for identifying devices on a network.

US patent No. 6,418,466 discloses Management of authentication discovery policy in a computer network.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (703) 305-1121. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas Olms**, can be reached on (703) 305-4703.

Art Unit: 2661

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

October 22, 2003

Ricardo M. Pizarro



DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600